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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Elkan  
Serial No.: 10/004,514  
Conf. No.: 4605  
Filed: 11/2/2001  
For: METHOD AND SYSTEM FOR SELECTING  
DOCUMENTS BY MEASURING  
DOCUMENT QUALITY  
Art Unit: 2673  
Examiner: Nguyen, Cam Linh T.

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5/12/06

Date

F-CLASS.WCM

Appr. February 20, 1998 Attorney for  
Applicant(s)

Registration No. 3832

TRANSMITTAL OF APPEAL BRIEF

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 1, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$250.00

(complete (a) or (b) as applicable)

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension fee for response within first month:

( ) By a small entity (1.9(f))..... \$ 60.00  
( ) By other than a small entity ..... \$ 120.00

Extension fee for response within second month:

( ) By a small entity (1.9(f))..... \$ 225.00  
( ) By other than a small entity ..... \$ 450.00

Extension fee for response within third month:

( ) By a small entity (1.9(f))..... \$ 510.00  
( ) By other than a small entity ..... \$ 1020.00

Extension fee for response within fourth month:

( ) By a small entity (1.9(f))..... \$ 795.00  
( ) By other than a small entity ..... \$ 1590.00

( ) The extension fee has already been filed in this application.

( ) A check in the amount of \$ \_\_\_\_\_ for the extension of time fee is enclosed.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

( ) A check in the amount of \$ \_\_\_\_\_ is enclosed for filing the Appeal Brief.

(X) The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Deposit Account No. 07-2069. Should no proper payment be enclosed, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-2069. (One additional copy of this Notice is enclosed herewith.)

Dated: May 12, 2006



Steven P. Fallon

Registration No. 35,132

Address to which Correspondence is to be sent:

GREER, BURNS & CRAIN, LTD.  
300 South Wacker Drive, 25th Floor  
Chicago, Illinois 60606  
(312) 360-0080

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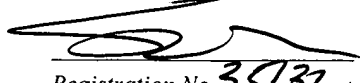


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5/12/06   
Date Registration No. 35132  
F-CLASS.WCM  
Appr. February 20, 1998 Attorney for Applicant(s)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL PURSUANT TO RULE 192

REAL PARTY IN INTEREST

The real party in interest is the Regents of the University of California,

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1, 4-7 and 10-30 are pending, stand finally rejected and are appealed.

## **STATUS OF AMENDMENTS**

The claims were amended to their present form in Amendment B, which was originally filed on April 4, 2005 and later entered pursuant to a Requested for Continued Examination. Specifically, Amendment B was entered in the Office Action mailed on June 22, 2005 after Applicant filed a Request for Continuation on May 26, 2005.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

Generally, the invention concerns a “system and method that utilizes a learning process in order to select documents according to their quality, rather than topic or user/recipient identity.” [009]<sup>1</sup>. The invention enables computers to automatically determine the quality of documents, and can therefore deliver, for example, client search results that are based not only upon a “specific subject or topic requested, but also” that are “desirable according certain criteria, including each document’s quality.” [0023].

Quality values are automatically computed by systems and methods of the invention using low-level features of a document that “may include length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length of sentences, average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, and display tags.” [0033]. Quality values are independent of and different than topic categories, which were known in the art prior to the invention. Prior processes provide for “methods that use the text of a document to identify its topic automatically.” [005].

As described in the amended abstract, the invention provides “A system and method for document filtering and selection based on quality automatically operates to make value judgments for document retrieval. Items of data, e.g. documents, are automatically associated a value. Items of data may be then selected based upon value,

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<sup>1</sup> Published Application Paragraph. For the Board’s convenience, a copy of the published application is attached as an exhibit hereto.

which is not only for the specific subject or topic requested, but also desirable according to certain criteria, including each document's quality. A specific application of the invention is to a filter for computerized bulletin boards. Many of these systems, also known as discussion groups, have thousands of new messages per day. Readers and human editors do not have time to classify new messages by quality quickly. Messages may be ranked by quality automatically, to perform the same function performed by a human editor or moderator. Values and qualities may be assigned by interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, and any combinations thereof, for example.” (Amendment A).

In a preferred embodiment, a document, e.g., a message, is obtained from a source. FIG. 4, step 338. Useful data is extracted from the document. FIG. 4, step 400. Low-level features are computed, and used by a classifier to assign a quality score to the document. FIG. 4, steps 342-344. The document (e.g., message), useful data, and quality score are stored in a database.

Quality rankings can be used in conjunction with topic categorization, as embodiments of the invention can rank quality of documents that have been retrieved regarding a specific topic, author or other categorical ranking. [0050]. However, “quality”, as determined by claimed embodiments to classify documents is not the same as topic. As stated clearly in the background, prior art classifiers classify “according to topic, not quality.” [0016].

FIG. 1 depicts the present invention according to a preferred embodiment. “Items 10 from a source 12 are downloaded by the Downloading Component 14.” [0049] “The Classifier Component 38 attaches a value to each item 10, to form an item with a value 16.” “The value is formed using a profile 36, derived from a Learning Component 34.” [0049] “The Learning Component 34 creates profiles by receiving training sets 32 from the Training Component 30.” [0049] “The profiles are then used to classify the items 10 received from the Downloading Component 14.” [0049]. “The items with values 16 are transferred to the database 18.” [0049]. “When a client 22 requests information,

the Presenter Component 26 will deliver items satisfying requested criteria 24.” [0049]. “For instance, the client may request information on a particular stock ticker.” [0049]. “The present invention will find the highest quality articles according to the criteria learned through the use of the training sets.” [0049]. “Therefore, the client will be delivered *not only information on the specific topic* they are interested in, *but also those information items of the highest quality*.” [0049] (emphasis added).

### **ISSUES TO BE REVIEWED ON APPEAL**

1) Whether claims 4-15 are within the scope of patentable subject matter defined under 35 U.S.C. § 101.

2) Whether claims 1, 4-7, and 10-30 are patentable under 35 U.S.C. § 103 over Agrawal et al. (US 6,233,575) in view of Suchter (6,675,161).

### **ARGUMENT**

#### **I. The Rejection of Claims 4-15 Under §101.**

**A. The Belated §101 Rejection, First Made in the 3<sup>rd</sup> Office Action was First Premised On Overruled Legal Precedent, Ignores the Automatic, Computer-Oriented Language of the Claims and Specification and Should be Reversed.**

There is no dispute about the patentability of computer software and programmed computers in the law. This is true for computers/software that transform data for specific uses. *In re Alappat*, 33 F.3d 1526, 1544 (Fed. Cir. 1994). In *Alappat*, the PTO took the incorrect position that claims directed to “converting discrete waveform

data samples into anti-aliased pixel illumination intensity data to be displayed on a display means” did not meet §101. *Id.* The Federal Circuit reversed the Board’s decision, noting that such a data conversion is not properly characterized as an “abstract idea,”

The Examiner indicates that the present invention can be characterized as abstract because it can be implemented by “the mind of a person or by the use of a pencil and paper”. Office Action, June 22, 2005 at 3. The “pencil and paper” test is part of the incorrect so-called Freeman-Walter-Abele (see, e.g. *Application of Walter*, 618 F.2d 758, 764 (BPAI 1980)(discussing the “paper and pencil test”) which, as instructed by MPEP, is not the law to be applied. See, MPEP §2106 “Office personnel should no longer rely on the Freeman-Walter-Abele test to determine whether a claimed invention is directed to statutory subject matter. *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 1374, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998) (“After *Diehr* and *Chakrabarty*, the Freeman-Walter-Abele test has little, if any, applicability to determining the presence of statutory subject matter.”)

The first time that the §101 rejection was raised in prosecution was after the filing of a request for continued examination, despite two previous actions on the merits. In making the rejection of claims 4-15 under §101, the examiner cited clearly inapplicable, outdated legal precedent, referring to the pre-State Street Bank “pencil and paper” Freeman-Walter-Abele Test that even the MPEP indicates is inappropriate. On page 3 of the office action mailed June 22, 2005, the examiner states that the claims are “directed merely to an abstract idea... which can be implemented by the mind of a person or by the use of a pencil and paper.”

The belated genesis of this rejection lacks an appropriate legal foundation, and subsequent explanation of the rejection in the final office action fails to recognize correct claim interpretation. In the final office action from which this appeal is taken, the examiner includes the following brief statement “the step of obtaining and [sic] associated quality value does not produce a tangible result.” This brief statement ignores the principal traversal points of the rejection, such as the fact that “automatically

associating a quality value to an item of data” as stated in the pre-ambble of claim 4, and repeatedly incorporated into the body of claim 4, as “quality value” and “item of data” are referred to again and again in the body of the claim, contradict the “abstract idea” premise that is the basis for the rejection.

The “automatic” feature of claim 4 gives life to every step in the claim, but has been explicitly ignored in making the rejection. On pages 2 and 3 of the June 22, 2005 office action, the examiner states, without analysis of the claim, that “as to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use)...does not confer statutory subject matter...unless there is a positive recitation.” The lack of analysis ignores the fact that the terms introduced in the preamble as being “automatically” obtained and associated, i.e., the “item(s) of data” and the “quality value(s)” are referred to again and again in the body of the claim. While lip service to the correct principles regarding preamble interpretation is cited, the examiner has failed to properly consider the relationship of the body of claim 4 to the preamble of claim 4. As shown by the italicized version of claim 4 produced below, the “automatically” associated “quality values” for “items of data” are repetitively referenced in the steps set forth in the body of claim 4.

4. A method of obtaining and automatically associating a quality value to an item of data comprising the steps of:

obtaining at least one item of data from a source;

obtaining labels for at least one of said items of data;

*selecting items of data* with certain labels to form training data; creating a profile from said training data; and

associating a quality value to at least one of said items of data using said profile;

wherein said profile *specifies said associated quality value* based on low-level features of said item selected from the group consisting of length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length of



sentences, average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, display tags and any combinations thereof.”

Claim 4 leaves no doubt that the association of a quality value as determined by the specific method steps is conducted automatically, by a computer. MPEP 2111.02 recognizes the appropriate law on the subject of preamble interpretation. “If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is ‘necessary to give life, meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the balance of the claim.” *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). The associating of a quality value in claim 4 is conducted automatically, which denotes the fact that the method is conducted by a computer. This is entirely consistent with the present specification. Automatic operations are also referred to and associated with computers throughout the specification. The abstract refers to the automatic operations.

The first two sentences of the background discuss use of computers and the Internet for users to “automatically retrieve a multitude of different documents by searching the Internet.” Prior art computer systems that have other methods of “automatically” classifying documents are discussed throughout the background, which concludes with the statement that “there exists a need for an scalable, *fully server-side, easy to use, automatic, system to filter documents and text according to their quality* that is suitable for use on-line and off-line, and suitable for use with a multitude of different client devices including those with limited bandwidth and restricted presentation capacity.” (emphasis added). Software components and computer systems are illustrated in each of the eight drawing figures in the present application, and the automatic assignment of quality values is discussed through the detailed description.

To the extent that the examiner’s statements could be interpreted as arguing that the automatic assignment of quality values to documents by computers is not a tangible result, the prior art patents discussed in the background of the present application

believe that argument. The invention concerns electronic document classification and handling, which is the subject of many patents including the patents discussed in the “prior art” section of the instant application. There are entire classification sections that concern the general nature of document classification and selection, and the patents in the prior art section well illustrate that claims directed to methods for document classification and selection by software or computers are patentable. The present application is classified in class 707, which is entitled “DATA PROCESSING: DATABASE AND FILE MANAGEMENT OR DATA STRUCTURES”. A quality value automatically assigned to an item of data so that it can be accessed, retrieved, returned as a search result, etc. is a concrete result, as shown by the prior patents that classify items of data/documents by other techniques.

**B. Claim 13’s Clear Use of Specific Computer Terms Has Been Ignored in the §101 Rejection.**

The rejection of claim 13 under §101 is used as a further example that the correct law has not been applied in the §101 rejection, and also to provide a separately reversible rejection. Claim 13 states:

“13. The method of claim 4, further comprising storing said associated quality values in a database.”

Little argument is needed to establish the nature of storing the automatically associated quality values of claim 4 in a database is certainly in a “technological art” and is not merely an abstract idea as alleged by the examiner. In *State Street Bank*, “[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.” *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601. In claim 13

concrete data, namely quality values, are associated with items of data and stored in a database. This is clearly a concrete result consistent with the law of *State Street Bank*.

## **II. The Rejection of Claims 1, 4-7, and 10-30 Under §103 Over Agrawal and Suchter.**

### **A. While the Applied Art Has Changed, the Opinion of Obviousness Set Forth in the Rejection Continues to be Based upon an Improper Interpretation of Item of Data “Quality” as Being Indistinct from “Topic” or “Subject” Despite the Clear Differentiation Between Document “Quality” and “Topic” or “Subject” in the Specification.**

The claims all are directed to systems and methods that associate a quality value with an item of data. Portions or the entirety of the independent claims are reproduced here with the “quality” features italicized. These are only properly interpreted in view of the specification, which makes a clear distinction between “topic” and “quality”: “Therefore, the client will be delivered *not only information on the specific topic* they are interested in, *but also those information items of the highest quality.*” [0049] (emphasis added).

#### **Independent claim 1 defines a system:**

1. A system for *providing a client data according to a quality value*, said system comprising;
  - a downloading component for *obtaining at least one item of data from a source*;
  - a classifier component for *associating a quality value to each said item of data using a profile*;
  - a training component that selects at least one of said item of data according to certain labels, said selected items of data being grouped to form training data;
  - a learning component that *accepts said training data and automatically creates said profile*; and

a presenter component for accepting a request from a client and transmitting said items of data selected according to said quality value.

**Independent claim 4 defines an automatic method that includes steps of:**

*associating a quality value to at least one of said items of data using said profile;*

*wherein said profile specifies said associated quality value based on low-level features of said item selected from the group consisting of length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length of sentences, average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, display tags and any combinations thereof.*

**Independent claim 16 defines a method that includes computer implemented steps of:**

associating a quality value with said at least one item of data using said profile;

accepting a request including quality value selection criteria from a client;

selecting at least one item of data according to said quality value selection criteria;

**Independent claim 25 is directed to a method, the method is defined as:**

A method for *providing a client with data according to a quality value*, said method further comprising the computer implemented steps of:

*obtaining labels for at least one item of data, wherein said item of data is information contained within an electronic bulletin board, and said labels designate level of quality, such as interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, or any combination thereof;*

*selecting items of data with certain labels to form training data;*

*creating a profile from said training data;*  
*associating a quality value to items of data using said profile;*  
accepting a request including quality selection criteria from a client;  
*selecting at least one item of data according to said quality values and said*  
*quality selection criteria; and*  
transmitting selected items of data to said client.

**Independent claim 28 defines a system:**

*A system for automatically retrieving and presenting a client with items according to their qualitative nature, comprising:*

at least one computer system having at least one item of data available;  
at least one access device for enabling said client to communicate with said computer system;

*a classifier means effective to automatically associate a quality value to items of data, wherein said quality value is indicative of the qualitative nature of said items of data;*

a means for a client to provide a request for at least one said item of data according to criteria; and

a transmitting means adapted to present at least one said item of data to said client selected according to said criteria.

**The Applied References Classify Documents Solely on Topic Organizations.**

The applied references both concern topic organizations. Suchter uses the term “quality”, and was likely discovered by a computer search on the term “quality” in the art after the initial rejection based solely on Agrawal was demonstrated incorrect. However, “quality” does not have the same meaning in Suchter as it does in the present claims, the combined teachings don’t suggest the claims, and the combination is not supported.

The broadest reasonable interpretation of the claims to be given during examination by the USPTO must be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353 (Fed. Cir. 1999). Claim terms must be given the definition indicated in the specification and the claim. *Vitrionics Corp. v. Conceptiontronic, Inc.*, 90 F.3d 1576, 1585 (Fed. Cir. 1996). No interpretation of “quality value” as used in the claims is properly read upon a topic classification, because, as indicated throughout the present specification, “the client will be delivered *not only information on the specific topic* they are interested in, *but also those information items of the highest quality*.” [0049] (emphasis added). Quality is not the same as topic in the present specification, but the methods and systems of the claims can enhance a system that classifies and retrieves documents or other items of data based upon topic by providing, additionally, the ability to screen upon automatically determined quality values.

**B. Agrawal’s Teachings are Dedicated to Topic Classification, as Opposed to the Particular Quality Value Features of Independent Claims 1, 4, 16, 25 and 28, and Suchter Merely Teaches a Human Assignment of a Term Called “Quality”, Which Concerns Topic Categorization as Opposed to the Definition of Quality in the Present Claims and Specification.**

Initially, all of the originally pending claims were rejected based upon Agrawal under §102. Agrawal concerns document classification by topic. After significant back and forth prosecution on this issue, and amendments to the claims to make the “quality value” feature part of each of the independent claims 1, 4, 16, 25 and 28, the §102 rejection of these claims was withdrawn, but Agrawal then became used as the primary reference and the office action alleges that Suchter suggests modification of Agrawal.

According to the appealed final office action “Agrawal does not clearly disclose that the value is a quality value and the quality value is based on low-level

features...[however] Suchter, on the other hand, discloses a method for classify documents...comprising a quality value field for the user to grade the documents". March 14, 2006 office action at 5. The rejection ignores the overall purpose, focus, and teachings of Agrawal. Also, the rejection overlooks that, while the term "quality" is used in Suchter, it refers to topic classification, and it is also anything but automatic.

The combination also ignores the fact that Agrawal specifically teaches away from the present claims, as has been discussed, because Agrawal is concerned with Topic organization of documents. As is clearly stated in the field of the invention of the '575 patent, the disclosure in the '575 patent is concerned with a "system and article of manufacture for organizing and indexing documents by topic." C1, L19-20. All of the testing, and classifying of documents discussed in the '575 patent concerns the topics of the documents being tested. As stated in the very portion of column 10 cited by the examiner, "Before the system can analyze the topics of new documents, the system is provided with examples of documents belonging to given topic(s). Given a topic hierarchy (taxonomy), system training is performed by providing an initial collection of documents for which classifications are known in advance. With reference to the block diagram of a training system 30 of FIG. 3, this may be accomplished, for example, by collecting a number of documents 32."

Suchter does not make up for this deficiency, as Suchter is directed to organization by topics, as well, which are referred to as categories. Table 1 in column 6 shows the example categories.

With regard to claims 1, 4 and 16, the examiner asserts that Suchter suggests replacing Agrawal's topic driven system with quality, particularly the claim 4 "low level features" that are listed, and the claim 1 and 16 quality value that must be interpreted as not related to a topic category. The citation to column 11 in Suchter does not meet the claim requirements or suggest modification of Agrawal. In Column 11, the user that received a document belonging to a category rates the "quality" of the relationship of the document to that category. The default rating is a "3", which is "good"

and may be changed by the user. C11, L40-66. This is still a topic related assessment, with the “quality” in Suchter indicating a user’s feeling about whether the document was properly in a particular topic category. This is clearly not the low level features discussed in claim 4. It is also not any form of an automatic determination of quality, as required by any of the independent claims. Suchter simply assigns a default “quality” of a document relating to a topic category and lets users change it.

In the final office action of March 13, 2006, the examiner attempts to equate the quality in Suchter with “a reading grade level from the user to the documents.” No basis exists in Suchter for this conclusion. In column 11, the quality value selected by a user relates to whether the “new electronic document in ‘in’ the current category.” C11, lines 51-64. There is no mention of “reading grade level” in association with the category/topic quality rating assigned by users in Suchter.

In claim 25, the labels are explicitly defined as designating “level of quality, interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, or any combination thereof.” The “categories” or “topics” labels pointed to by the examiner in Agrawal concern topics, e.g. business, recreation, science, etc. See, FIG. 2. Similarly, in Suchter, the categories concern, for example, “Aquatic Life and “Beaches” (Table 1). The claim 25 requirement is also specified in dependent claim 30 (which depends from independent claim 28), and forms a basis for a separate traversal of the rejection of claim 30.

Regarding claim 28, the classifier means automatically associates a value that is indicative of the qualitative nature of the data. As discussed above, the topics and statistics of the ‘575 patent and the categories of Suchter do not concern the qualitative nature of data. No “quality value” consistent with claim 28 is determined by Suchter. Instead, the “quality” is an arbitrary value “3” that can be changed by a user, and only concerns how well a document matches a topic category. C11, L40-65.

All of the positions taken in the office action therefore overlook the clear definition of Suchter’s “quality value”, which is “quality value that indicates how closely



the one of the electronic documents matches the selected category”; See, claims 3 and 18 of Suchter; See also column 11, lines 41-46. Suchter, despite using the term “quality value” is completely concerned with a topic organization. While the invention may complement a topic based document organization, the methods and systems for classification that are claimed are not directed to selecting and classifying documents based upon topic. As stated in the present specification, the invention provides for computer implemented systems and methods that provide more than topic classification. “Therefore, the client will be delivered *not only information on the specific topic* they are interested in, *but also those information items of the highest quality.*” [0049] (emphasis added).

**C. “To Provide a More Accurate Result in the Search Process” is a Platitude that Could be a Goal for Any Method or System in the Database Searching, and is Not a Proper, Supported Motivation to Modify Agrawal with Suchter.**

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). “There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.” *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a prima facie case of obvious was held improper.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

The stated reason for the combination is that it “would provide the user more accurate result in the search process”. This stated reason is inappropriate as it could be used to combine any two references in the art. Such generic statements are not proper

evidence of motivation. There must be an actual teaching that relates to the specific references at hand to suggest their combination to one of ordinary skill in the art. “More accurate results” are a goal in any database/search engines. As such, the stated motivation is improper.

The combination also ignores the fact that Agrawal specifically teaches the very same topic-limited classification theory evinced by the patents discussed in the background of the present application, as has been discussed, because Agrawal is concerned solely with topic organization of documents. As is clearly stated in the field of the invention of the ‘575 patent, the disclosure in the ‘575 patent is concerned with a “system and article of manufacture for organizing and indexing documents by topic.” C1, L19-20. All of the testing, and classifying of documents discussed in the ‘575 patent concerns the topics of the documents being tested. As stated in column 10, “Before the system can analyze the topics of new documents, the system is provided with examples of documents belonging to given topic(s). Given a topic hierarchy (taxonomy), system training is performed by providing an initial collection of documents for which classifications are known in advance. With reference to the block diagram of a training system 30 of FIG. 3, this may be accomplished, for example, by collecting a number of documents 32.” Suchter does not make up for this deficiency, as Suchter is directed to organization by topics, as well, which are referred to as categories. Table 1 in column 6 shows the example categories. Accordingly, there is no proper motivation to combine the references or modify Agrawal to include quality value association as required by the present claims.


**CONCLUSION**

For the above reasons, Applicant requests the Board to reverse the outstanding rejections. The case should be permitted to pass to allowance.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By:



Steven P. Fallon

Registration No. 35,132

May 12, 2006

300 South Wacker Drive, Suite 2500

Chicago, Illinois 60606

Telephone: (312) 360-0080

Facsimile: (312) 360-9315

Customer No. 24978

Document3



## CLAIMS APPENDIX

1. A system for providing a client data according to a quality value, said system comprising;

a downloading component for obtaining at least one item of data from a source;

a classifier component for associating a quality value to each said item of data using a profile;

a training component that selects at least one of said item of data according to certain labels, said selected items of data being grouped to form training data;

a learning component that accepts said training data and automatically creates said profile; and

a presenter component for accepting a request from a client and transmitting said items of data selected according to said quality value.

2. (Cancelled)

3. (Cancelled)

4. A method of obtaining and automatically associating a quality value to an item of data comprising the steps of:

obtaining at least one item of data from a source;

obtaining labels for at least one of said items of data;

selecting items of data with certain labels to form training data; creating a profile from said training data; and

associating a quality value to at least one of said items of data using said profile;

wherein said profile specifies said associated quality value based on low-level features of said item selected from the group consisting of length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length of sentences,

average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, display tags and any combinations thereof..

5. The method of claim 4, further comprising the steps of: receiving requests from clients; and transmitting at least one item of data according to said requests and said associated quality values to said client.

6. The method of claim 4, further comprising the steps of: introducing at least one new item of data to said training data; and generating a new profile from said training data.

7. The method of claim 4, wherein said profile is automatically generated.

8. (Cancelled)

9. (Cancelled)

10. The method of claim 4, wherein said quality value is measured on a quantitative scale of measurement.

11. The method of claim 4, wherein said quality value is measured on a categorical scale of measurement.

12. The method of claim 4, further comprising storing said items of data in a database.

13. The method of claim 4, further comprising storing said associated quality values in a database.

14. The method of claim 4, wherein the step of obtaining labels for at least one of said items of data is accomplished by a human providing said labels.

15. The method of claim 4, wherein said labels are selected according to levels of interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, and any combinations thereof.

16. A method for providing a client with data according to a quality value, said method further comprising the computer implemented steps of:

obtaining labels for at least one item of data;  
selecting items of data with certain labels to form training data;  
creating a profile from said training data;  
associating a quality value with said at least one item of data using said profile;  
accepting a request including quality value selection criteria from a client;  
selecting at least one item of data according to said quality value selection  
criteria; and

transmitting selected items of data to said client.

17. A method as in claim 16, further comprising the steps of:

accepting a request including a quality value threshold from a client; and  
retrieving items of data relative to said quality value threshold.

18. A method as in claim 16, further comprising the steps of:

introducing at least one new item of data to said training data; and  
generating a new profile from said training data.

19. The method of claim 16, further comprising the step of associating a  
quality value with an item of data by retrieving a quality value previously associated with  
said item of data.

20. The method of claim 16, further comprising the step of associating a  
quality value with an item of data by generating said quality value for said item of data using  
said profile.

21. The method of claim 16, wherein said quality value is quantitative.

22. The method of claim 16, wherein said quality value is categorical.

23. The method of claim 16, further comprising storing said items of data in a  
database.

24. The method of claim 16, further comprising storing said associated quality  
values in a database.

25. A method for providing a client with data according to a quality value, said method further comprising the computer implemented steps of:

- obtaining labels for at least one item of data, wherein said item of data is information contained within an electronic bulletin board, and said labels designate level of quality, such as interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, or any combination thereof;

- selecting items of data with certain labels to form training data;

- creating a profile from said training data;

- associating a quality value to items of data using said profile;

- accepting a request including quality selection criteria from a client;

- selecting at least one item of data according to said quality values and said quality selection criteria; and

- transmitting selected items of data to said client.

26. The method of claim 25, further comprising storing said items of data in a database.

27. The method of claim 25, further comprising storing said associated quality values in a database.

28. A system for automatically retrieving and presenting a client with items according to their qualitative nature, comprising:

- at least one computer system having at least one item of data available;

- at least one access device for enabling said client to communicate with said computer system;

- a classifier means effective to automatically associate a quality value to items of data, wherein said quality value is indicative of the qualitative nature of said items of data;

- a means for a client to provide a request for at least one said item of data according to criteria; and

a transmitting means adapted to present at least one said item of data to said client selected according to said criteria.

29. A system as in claim 28, wherein said item of data is a text message.

30. A system as in claim 28, wherein quality is valued with regard to interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, and any combinations thereof.



## EVIDENCE APPENDIX

A copy of the published application, US2002/0055940 is attached for the convenience of the Board.

RELATED PROCEEDINGS APPENDIX

(none)

CERTIFICATE OF SERVICE

(None (This is not a re-exam proceeding, and none is required)).